

PLANNING COMMISSION MINUTES

August 21, 2007

7:00 P.M.

Present: Chairman Clark Jenkins, Michael Allen, Beth Holbrook, Dave Badham, Ray Keller, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: City Council Representative Barbara Holt, Vice-Chairman Tom Smith.

Clark Jenkins welcomed all those present. Ray Keller made a motion to approve the minutes for August 7, 2007 as written. Dave Badham seconded the motion and voting was unanimous.

1. Consider an amended site plan approval for Orchard Drive Business Complex located at 2084 S. Orchard Dr., Matt Carter, applicant (discussion only).

Matt Carter, applicant, was present. Aric Jensen explained that Mr. Carter recognized that if the commercial building were rotated to face east-west rather than north-south, it would open the view of the mountains to the residential units. As proposed, the size of the building and the parking stalls will remain the same. The garbage enclosure will be moved away from the street, and Staff feels that this amendment will improve the project.

There was a brief discussion and all Commission members agreed that this change is a significant improvement.

2. Consider conceptual site plan approval for 172 E. & 184 E. 500 S., Marv Blosch, applicant (discussion only).

Marv Blosch, applicant, was present. Aric Jensen explained that Mr. Blosch is requesting conceptual review for the conversion of two existing residential structures to professional office buildings. One of the structures is an existing duplex (172 E.) and the other is a single family home (184 E.). This property was rezoned to Professional Office - Neighborhood (PO-N) earlier this year.

The proposed development would take three existing driveways and combine them into one 20 foot wide driveway, which will go to the back parking. Eliminating the existing driveways will make access in and out of the site safer and eliminate three places where vehicles are currently backing out onto the street.

There will be a covered porch added to the back of the homes. The landscaped area is almost double the minimum requirement of 15%. The parking calculation shows that 15.4 stalls (16) are required and that 15 are provided, however, that calculation includes all of the basement areas which will not be fully utilized.

Aric Jensen explained that Mr. Blossch plans on doing some remodeling to the inside of the homes, add the parking in the rear, take out existing driveways and replace with one larger driveway, restore driveways with landscaping, and construct a retention basin in the back section of the parking lot.

Marv Blossch presented pictures of the existing homes to the Commission and feels that the proposal looks good and will fit the ordinance. Mr. Blossch also explained that he has submitted the storm calculations but not the design on how the water will drain.

Mr. Blossch asked if it would be possible to use a stacked wall system rather than concrete curbing. There was a brief discussion on the difference between the two forms of curbing. The Commission asked that the decision be made by Staff on which type of curbing is to be used.

Clark Jenkins suggested that Mr. Blossch submit completed plans for approval.

3. Consider final mixed use commercial/residential site plan approval located at 2135 S. Orchard Dr., Brian Knowlton, applicant.

Brian Knowlton, applicant, was present. Paul Rowland explained that Brian Knowlton's proposal is comprised of two 3-storey retail/office buildings with underground parking fronting onto Orchard Drive. To the east of these structures would be a series of 52 townhomes with individual garage parking located along a winding lane that connects to 2200 South at two locations. This road section needs to be wider than what was proposed during preliminary review. Mr. Knowlton has widened the road by 4 feet and the parking has been rearranged in front of some units in order to prevent a car parked in front of two garages.

The townhomes gradually increase in elevation the further east they are located on the site, which is accomplished essentially by undoing the cuts and fills made over the years and returning the property to a more natural grade. This would include covering up the majority of the existing 20 foot retaining wall located on the east side, and bringing the grade on the west even with Orchard Dr.

Mr. Rowland explained that there were some drainage issues, but they have been resolved. There is no storm drain located on this property. The storm drainage on this project is a retention basin system that would overflow in a major storm onto the street.

The site plan appears to be in conformance with the development plan approved at the time of rezone. During preliminary review, the Commission suggested several project specific modifications and conditions, which included a percolation test, widening of the roads, and adjustments to building layout. The applicant has made modifications based on these recommendations, which are shown on the revised layout.

There are some engineering redlines that need to be corrected, the major ones are:

1. All water meters shown are too small and must be upsized
2. Units need to be “stepped” to follow the elevation of the road
3. FFE on units needs to be updated to conform with new grading plan

Mr. Jensen explained that Mr. Knowlton has submitted an updated landscaping plan with details for the front of the units that were modified with the road widening, which was given to the Commission members at this time for their review.

There is also a lack of visitor parking on the north end of the project. It would be beneficial to add or move some of the visitor parking toward the end of the project, however, there is no obvious place to put these stalls short of eliminating a unit. Mr. Jensen suggests to substitute some of the townhomes with rambler style homes on a 3:2 basis, thus reducing the overall density.

There was a discussion regarding the grading of the project, the views of the surrounding neighbors, minimum square footage of the commercial buildings, and the possibility of substituting some of the townhomes with rambler style homes.

Staff recommends final multi-family site plan approval with the following conditions:

1. Make redline corrections as required by Staff, including upgrading water meters, stepping units, and revising FFE's.
2. Pay bonding and fees as required for all condominium subdivisions
3. 50% of building facade to be brick, stone, or similar material as required by ordinance for all multi-family units.

Beth Holbrook made a motion to recommend to the City Council final mixed use commercial/residential site plan approval for 2135 S. Orchard Dr. Subject to the conditions outlined by Staff and the following addition:

4. That there be two hard serviced accesses to the project at all times.

Dave Badham seconded the motion and voting was unanimous in favor.

4. Consider amendments to Title 14, Land Use Ordinance.

Aric Jensen explained that at the August 7th Meeting, the Commission held a public hearing and discussed a list of proposed changes to the Ordinance. Since not all Commission members were present, Mr. Jensen presented the same summary that was in the previous report. Mr. Jensen also included the brief discussion of the changes that have been made as a result of last meeting's comments which are as follows:

Changes and Discussion Items From Last Meeting

- 1) Mr. Jensen reviewed the illustration of circular driveway requirements. The top drawing represents the very tightest radius possible for a typical passenger car entering and exiting at a 90 degree (perpendicular) to the road. This is based on the AASHTO standards for passenger cars. Staff created a field course in an unused parking lot and confirmed that a Dodge Durango could make this maneuver, but only with the steering wheel completely turned to the steering stops.

The lower drawing represents a circular driveway designed for all standard vehicles, including a full size, crew cab, long bed truck. Delivery trucks would still have to park out on the street, but you could get a truck and boat trailer around without crushing the landscaping. This drawing would be the standard, minimum size circular driveway allowed, and the top drawing would only be allowed by the City Engineer in areas where there are immediate traffic safety hazards, such as Orchard Drive and 500 South where the travel lane is immediately adjacent to the curb.

- 2) Mr. Jensen continued to explain that the text regarding illegal land use changes and false representation has been sent out for peer review and Staff should have some new language at the time of the next meeting.
- 3) The language regarding surveying the foundation locations has been included in Chapter 1 and is shown in yellow highlight.
- 4) The conditional use permit language was modified as recommended.
- 5) The Commission may want to revisit the discussion on assisted living in the commercial zones.
- 6) The Commission agreed to discuss the issue of smaller PUD's in more detail.
- 7) Setbacks around parking lots in the PO-N zone was changed to 5 feet as discussed.
- 8) Language regarding drip irrigation was added to the xeriscape section.

Mr. Jensen reviewed the following sections of the ordinance with the Commission. There was a discussion on each item as follows:

Overview from August 7th Meeting

Page 1-3, Section 14-1-106 F.

Over the years there have been many instances where individuals have illegally converted legal

uses into illegal uses, one of the most common being single family homes to duplexes. Earlier this year Staff was investigating such an incident and one of my staff made an “undercover” contact to the real estate agent listing the property, whereupon the agent told him that it was a single family that could easily be rented as an illegal duplex. And this was after Staff had contacted the agent and warned him that this could only be used as a single family home. This may or may not be an isolated incident, however, the increasing number of complaints lends Staff to believe that it is not. Staff is proposing specific language that would allow to prosecute not only those who actually make the conversion, but those who propagate the circumstances.

This section will be reviewed by the Planning Commission and Staff. The concept is to enhance the ability to prosecute people who illegally change the use of a property.

Page 2-7, Section 14-2-104 D.

This clarifies the point that the Administrative Committee is essentially a subset of the Planning Commission, and that any time the Planning Commission is reviewing a project that has an element that normally falls under the jurisdiction of the Committee, the Planning Commission can also act on that item and doesn’t have to remand it to the Committee for a decision. (E.g., a site plan review that involves a lot line adjustment.)

Pages 2-28 to 2-29, Section 14-2-506

This is basically a rewrite of our conditional use review standards in which Mr. Jensen tried to keep the spirit of the existing text but make it consistent with LUDMA.

Pages 4-8, 5-6, 5-7, 6-6, 16-2, 16-6, 16-7 (Xeriscape)

These pages all deal with xeriscape, which is basically a type of water conserving landscaping. Our current ordinance technically allows xeriscaping, but doesn’t specifically say so, nor does it define the term or establish specific criteria. This proposal was drafted based on conversations with the Engineering, Streets, and Water Departments, and with citizens who are interested in xeriscaping.

Page 4-15, Section 14-4-118 A. and B.

These paragraphs are in conflict with the rewrite of the PUD Ordinance, (now referred to as the Planned Development Overlay Zone - PDO), that was approved in June of 2006. The PDO Zone text contains a general repealer that says that you don’t need a conditional use permit once the property has been rezoned, and so this revision will bring the two sections into harmony.

Page 6-2, Table 15-6-103

Assisted living centers are currently not permitted in any commercial zones, however, there may

be some areas where such a use may be appropriate. The downside is that this could open areas such as the Renaissance Town Center and others to this type of development, where this use may not be appropriate.

This section will be reviewed by the Planning Commission and Staff. The issue being reviewed is that assisted living centers are currently not permitted in any commercial zones, however there may be some areas where such a use may be appropriate.

Page 13-1, Table 14-13-102

This is the previously discussed proposal to reduce the minimum size of a Planned Development in a single family zone to one acre.

The Planning Commission and Staff are still revising this item. The issue being discussed is whether to reduce the minimum size of a Planned Development in certain single family and multi-family areas to one acre.

Pages 14-5 and 14-6, Section 14-14-110

This proposal is in response to the dangerous fire conditions that we've had the last couple of years and the convoluted process of abating potential fire hazards. Essentially, when Staff is trying to say that in instances of extreme conditions, the City can abate potential hazards without have to go through the standard four to six week notification process.

After the review and discussion the Planning Commission and Staff decided to recommend to the City Council the routine issues and bring the more controversial items back at a future meeting.

Dave Badham made a motion to recommend to the City Council final amendment approval to Title 14, Land Use Ordinance as presented with the acception of the following three items, which are to be discussed at the next commission meeting:

1. Page 1-3, Section 14-1-106 F Regarding the language for illegal duplexes.
2. Page 6-2, Table 15-6-103 Regarding assisted living centers.
3. Page 13-1, Table 14-13-102 Regarding the minimum size of a Planned Development

Michael Allen seconded the motion voting was unanimous in favor.

5. Discussion for site plan approval for townhomes located at 3100 S. Orchard Dr., Gerry Tully, applicant.

Gerry Tully, applicant, was present. Aric Jensen explained that in 1981 UDOT approach the property owner asking to give or donate a small section of the property to improve the road onto

3100 S. Mr. Jensen presented three letters, two from Davis County and one from Davis County Planning Commission, explaining that this piece of property has been donated to the County for an expansion of 3100 South. A portion of the letters are as follows:

- 1) Letter dated 7-15-1981 - Davis County Planning Commission
“On May 8, 1972, the Davis County Board of Adjustment approved two four-plexes for your property. This is still valid as long as there is no change in the zoning. We feel that with the additional right-of-way required for the road improvement proposal, your site still be able to be used for the four-plexes as shown on the drawing.”
- 2) Letter dated 8-31-1981 - Davis County
“We are asking your consideration in donating the .146 acres to the County for the road improvements. Benefits that would accrue to you include:
(1) enhance of your property, (2) a much after and more smooth-flowing intersection, (3) a more attractive street along your property line with curb and gutter and a new surface, (4) a tax deductive contribution of property and (5) you would be able to fit two four-plexes on your remaining property as planned.”
- 3) Letter Dated 3-25-1982 - Davis County
“The property was appraised on the basis of its highest and best use. You can use the appraisal to claim \$12,720.00 as a tax-deductible contribution on your 1981 Income Tax Return.”

Mr. Jensen explained that Mr. Tully would like to build 10 townhomes on the property using the calculations which would include the property donated to the County.

There was a lengthy discussion regarding wheather the Commission should review the project based on the current property size, or with the dedicated portion. The Commission decided that Bountiful has no ties to the decision made by the County and the property should be determined by the actual size and comply with the current ordinance.

It was suggested to Mr. Tully to bring back a site plan that meets the City ordinance.

Meeting adjourned at 9:15 P.M.